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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Guojun Zhou

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01/02/2008

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EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/822,603	<b>Applicant(s)</b> ZHOU, GUOJUN	
	<b>Examiner</b> Annan Q. Shang	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,5,13,14,16-23,27,28,32 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,13,14,16-23,27,28,32 and 34-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular in claim 1, line 14+ recites "...if the selected program conflicts in viewing...adding the selected program..." "...otherwise not including the selected program...if the selected program does conflicts in viewing..." The recited claimed limitation is unclear and not described in the specification.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 5, 13, 14, 16, 17, 18-23, 27, 28, 32 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Griggs (2002/0029384)** in view of **Ellis et al (6,774,926)** and further in view of **Knudson et al (2005/0204387)**

As to claims 1-3, note the **Griggs** reference figures 1-5, discloses mechanism for distributing content data and further discloses a method comprising:

Providing a program guide of a television programming to enable a customer to create a custom channel by selecting at least one TV program from the program guide and specifying a viewing time (figs.1-5, System Server 'SS' 105, 125, 207, etc, page 2, [0028-0031] and [0033-0034])

Receiving input from the customer including the selected program and the specified viewing time; determining whether to include the selected program in the custom channel; obtaining programs for custom channel and transmitting to the customer the custom channel created by the customer (page 3, [0036-0038], [0041-0044] and [0046-0050], [0052-0055] and [0064-0065]) and further teaches encrypting the broadcast (page 4, [0047-0048]), note that SS-105 stores users' preferences, accounts or payment information, location, etc., and based on these parameters determines whether to include the selected program to the customized list and further establishes a personal communication channel ([0053]) with the user's TV set ([0056] and [0061]) to transmit the customized TV programs (PPV, etc.,) accordingly.

Griggs's System Server customizes a channel for a user by establishing a communication channel with a user to stream broadcast programs (live, PPV or pre-

ordered), but fails to explicitly teach where the custom channel is a user created channel.

However, note the **Ellis** reference figures 1-2, discloses personal television channel system, which permits a viewer or contributor to create a personal channel(s) and where a server transmits personal channel(s) and data as indicated by the viewer via cable network or satellite (figs.1, 8-14, col.2, line 57-col.3, line 29, line 55-col.4, line 4, line 59-col.5, line 22, col.9, line 61-col.10, line 33, col.13, line 29-col.14, line 12 and line 24-51).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Griggs to allow a user to have control of the broadcast channel(s) by indicating to the System Server or the Service Provider, a preferred channel to transmit the requested program(s) of interest.

Griggs as modified by Ellis, fail to explicitly teach determining where to add/delete program(s) by resolving conflicts and related recited limitations.

However, **Knudson** discloses an interactive program guide system (client/server) and method where when a user orders a program or program package, the server resolves conflicts, communicates information to the client, adding, deleting, etc., program(s) of a package of program(s) to meet the clients orders or purchases (figs.1-3, 77-96+, [0054-0058] and [0198-0203]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Knudson into the system of Griggs

as modified by Ellis in order to resolve conflicts and properly package, the requested or purchased program(s) within appropriate broadcast time slots, for the user(s).

As to claim 2, Grigg is silent to allowing a customer to create more than one custom channel and obtaining programs for more than one custom channel and simultaneously transmitting to the customer the custom channels.

However, Ellis further discloses allowing a customer to create favorite channels and transmitting the custom favorite channels simultaneously to the customer (col.15, lines 4-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Grigg to allow a customer to create favorite channels and display only the favorite channels and associated selected programs.

As to claims 4-5, Griggs further discloses providing access to TV programming comprises providing the customer at least one access code to the a program in the program guide, an access code including and access level and pre-recording a program in the custom channel if the customer desires to view the program later time (page 3, [0035], [0038-0042] and [0045-0048]).

Claims 13-14 are met as previously discussed with respect to claim 1.

As to claim 16, Gigg is silent to providing a voice recognition interface.

However, Ellis teaches providing a voice recognition interface (col.5, line 57- col.6, line 22).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Grigg to enable a user to control functions or various operations by directly speaking into a voice recognition system thereby eliminating any physical interaction with an input device.

As to claim 17, Grigg further discloses where the user interface comprises a web-based user interface ([0055] and [0061]).

As to claims 18-19, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1.

Claim 20 is met as previously discussed with respect to claims 1.

As to claim 21, Griggs further discloses recordable digital video (Disk/local Storage) "video storage medium" couple to the receiver to receive and store television programming (page 5, [0053-0060]).

Claim 22 is met as previously discussed with respect to claims 1.

As to claim 23, Griggs further discloses an access circuitry coupled to the customer interface, for receiving and verifying a viewer access code (page 3, [0035], [0038-0042] and [0045-0048]).

Claim 27 is met as previously discussed with respect to claim 5.

As to claim 28, the claimed "An article of manufacture, comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 32 is met as previously discussed with respect to claims 2.

Claim 34 is met as previously discussed with respect to claims 5.

Claim 35 is met as previously discussed with respect to claims 1.

Claim 36 is met as previously discussed with respect to claims 16.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 2, 4, 5, 13, 14, 16-23, 27, 28, 32 and 34-36 have been considered but are moot in view of the new ground(s) of rejection. The amendment to the claims necessitated the new ground(s) of rejection discussed above. **This office action is made final.**

### ***Conclusion***

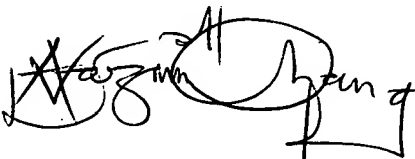
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', enclosed within a rectangular box.

**Annan Q. Shang.**